

# **Texas Health Care Policy Council**

Texas Department of State Health Services, Room M-739  
1100 W. 49th Street, Austin, Texas 78756

**COUNCIL MEETING**  
**THURSDAY, MARCH 30, 2006**  
**9:00 a.m.**

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## **MEMBERS PRESENT**

Nancy Dickey (Chair), Ann Fuelberg (Vice Chair), Jennifer Ahrens, Rick Danko, Seth Chandler, Alexia Green, Larry Jones, Ronnie Jung, Michelle Massey, Maureen Milligan, John Monk, Ken Shine, Stacey Silverman, and Jon Weizenbaum

## **MEMBERS ABSENT**

Dan Perugini

## **CALL TO ORDER/WELCOME AND INTRODUCTIONS**

Mr. Tony Gilman, Acting Executive Officer of the Texas Health Care Policy Council, called the meeting to order at 9:13 a.m.

Mr. Gilman welcomed the members of the Council and expressed the appreciation of Governor Perry for their willingness to serve on the Council. Mr. Gilman asked each member of the Council to introduce themselves. Mr. Gilman also introduced Council Staff Mr. Stephen Palmer and Ms. Erin Ferris. He then recognized Mr. Phil Wilson, the Governor's Deputy Chief of Staff and Ms. Nora Cox, Assistant Director of Budget, Planning and Policy in the Office of the Governor.

Mr. Wilson gave remarks on behalf of the Governor expressing how excited he is about the mission of the Council. Mr. Wilson told the Council that it was formed to examine the health care system in Texas, identify changes in the system, plan for future needs in the system, and oversee the improvement of the system. He also asked the Council to explore innovative ways to:

1. Ensure greater coordination in efforts to address or prevent health care workforce shortages;
2. Better control costs at the state-level by leveraging the purchase of health care products and services across state agencies;
3. Facilitate and promote the use of technology in the health care system as a way to decrease administrative costs and to increase and improve the quality of health care in Texas; and
4. Assist local communities with assessing and strategically improving their health systems.

Mr. Wilson concluded his remarks by thanking the members of the Council for their commitment and expressing how he is looking forward to working with the Council.

Mr. Gilman thanked Mr. Wilson for his remarks and promised to keep the Governor's goals in mind. He then reviewed the meeting agenda and contents of the meeting's briefing book. He

explained that the Council will use Robert's Rules of Order as a governing document and that a Speaker's List will be kept by the Vice Chair. He further explained that Ms. Ferris has been formally trained in Robert's Rules of Order and will assist the Council in that capacity.

## **REPORTS, UPDATES AND POSSIBLE ACTIONS**

### **Consideration of Chair and Vice Chair of the Texas Health Care Policy Council (Action)**

Mr. Gilman announced that the next item on the agenda was the consideration of Chair and Vice-Chair. Mr. Gilman called for nominations for Chair and Mr. Larry Jones nominated Dr. Nancy Dickey. Mr. Gilman asked if there were any other nominations. There were no further nominations. The nomination of Dr. Dickey to serve as Chair of the Council was approved by a record vote:

Ayes: Jennifer Ahrens, Rick Danko, Seth Chandler, Ann Fuelberg, Alexia Green, Larry Jones, Ronnie Jung, Michelle Massey, Maureen Milligan, John Monk, Ken Shine, Stacey Silverman, and Jon Weizenbaum (13)

Nayes: None (0)

Present, Not Voting: Nancy Dickey

Absent: Dan Perugini (1)

Mr. Gilman then called for Vice Chair nominations. Mr. Jones nominated Ms. Ann Fuelberg. Mr. Gilman asked if there were any other nominations. When there weren't any other nominations, Mr. Gilman called for a record vote. The nomination of Ms. Fuelberg to serve as Vice Chair of the Council was approved by a record vote:

Ayes: Nancy Dickey (Chair), Jennifer Ahrens, Rick Danko, Seth Chandler, Alexia Green, Larry Jones, Ronnie Jung, Michelle Massey, Maureen Milligan, John Monk, Ken Shine, Stacey Silverman, and Jon Weizenbaum (13)

Nayes: None (0)

Present, Not Voting: Ann Fuelberg (1)

Absent: Dan Perugini (1)

Mr. Gilman turned the meeting over to the Chair and Vice-Chair.

### **Consideration of Council Bylaws (Action)**

Chair Dickey announced that the next item of business is the bylaws. She called on Mr. Gilman to brief Council members on the draft bylaws. Mr. Gilman asked that the Council consider the revised version of bylaws in their supplemental materials packet. He stated that the bill creating the Council, House Bill 916, 79<sup>th</sup> Regular Legislative Session, does not require the adoption of

rules or bylaws, but that Council staff felt it would be helpful for the Council to have bylaws in place that govern the membership, conduct and procedure of the Council, as well as any subcommittees and advisory and ad hoc committees established by the Council.

Ms. Alexia Green asked if the bylaws, as they were being presented to the Council, would preclude her from serving as a member of the Texas Health Workforce Planning Partnership. Mr. Gilman replied that the membership of the Partnership subcommittee, as outlined in the draft bylaws, is consistent with House Bill 916. He further stated that the only difference between the subcommittee composition included in House Bill 916 and the draft bylaws was the addition of a community college representative. Ms. Green expressed her interest in serving on the Partnership subcommittee and stated that her special expertise as a nurse, as well as her work with the State Health Coordinating Council, would benefit the subcommittee.

Chair Dickey suggested adding "but not limited to" to Article IV, Section A Members of the draft bylaws to address Ms. Green's concerns. Ms. Green made a motion to approve the amendment to Article IV, Section A Members, as suggested by Chair Dickey. Dr. Ken Shine seconded the motion. The amendment was approved by a unanimous voice vote.

Mr. Seth Chandler expressed concern that Article III, Section D Proxies and Written Votes does not allow members to vote by proxy, written consent or telephone, but that the presence of a proxy shall count towards a quorum. He also stated that Section D could create a situation where a quorum is achieved by proxy and the Council is able to take action with very few actual members of the Council being present. He further noted that Section D is in conflict with Article III B Quorum and Authority to Act of the draft bylaws, where at least eight members of the Council, or a majority, are required for the Council to take action. Mr. Gilman explained that the work of the Council is very important and that the high level of importance of issues that will be brought before the Council requires members to attend and vote in-person. The language included in Section D was included in the bylaws to ensure members could only vote if they were present at the Council meeting. Vice Chair Fuelberg reminded members of the significant charge that has been presented to the Council and stressed the importance of members making a commitment to personally attend all meetings of the Council. Mr. Chandler made a motion to amend the second paragraph of Article III, Section B Quorum and Authority to Act so that it reads "The vote of a majority of Council members eligible to vote pursuant to Paragraph D is required for the Council to act. Pursuant to §311.013, Government Code, eight members of the Council constitute a majority." Ms. Green seconded the motion. The amendment was approved by a unanimous voice vote.

#### **Consideration of Council Budget for FY 2006-07 (Action)**

Chair Dickey announced the Council budget as the next item on the agenda and called on Mr. Gilman to brief Council members on the FY 2006-2007 budget.

Mr. Gilman stated that House Bill 916 specifies that each state agency represented on the Council shall provide funds for the support of the Council. It also specifies that the Council, with the Governor's approval, shall establish a funding formula to determine the level of support each state agency must provide.

Mr. Gilman further stated that the Office of the Governor is working to sign a Memorandum of Understanding and Agreement (MOU) to provide funds for the support of the Council with the following agencies:

- Health and Human Services Commission (HHSC)
- Department of State Health Services (DSHS)
- Department of Aging and Disability Services (DADS)
- Texas Workforce Commission (TWC)
- Texas Higher Education Coordinating Board (The CB)
- Texas Department of Insurance (TDI)

All of the agencies, except for TWC, had already agreed to sign the MOU. TWC was considering the MOU at their open meeting this morning. The total Council budget of \$561,600 for FY 2006 and 2007 will fund the operations of the Council, including four (4) FTE positions: the executive officer, two policy analysts, and one administrative/research position. HHSC, DSHS, and DADS will each contribute \$83,200 for FY 2006 and FY 2007, or a combined total of \$249,600 each fiscal year to support the operations of the Council. TWC, The CB, and TDI will each contribute \$20,800 beginning in FY 2007.

Since FY 2006 began September 1, 2005 and the Governor's office did not begin to hire staff until December 2005, the budget for FY 2006 is only \$249,600 and will be funded by HHSC, DSHS, and DADS.

Ms. Green asked Mr. Gilman if he anticipated higher education institutions contributing towards the budget. Mr. Gilman stated that the institutions could be asked to provide funding in the future but the state agencies specifically identified in House Bill 916 were only asked to provide funds to support the Council for FY 2006 and FY 2007.

Chair Dickey asked if there was a motion to approve the Council's budget for FY 2006-2007. Vice Chair Fuelberg made a motion to approve the Council's FY 2006 and FY 2007 budget. Ms. Milligan seconded the motion. The motion was approved by a unanimous voice vote.

#### **Briefing on HB 916, 79<sup>th</sup> Legislature and Council Charges and Briefing on 2006 Council Work Plan (Briefing)**

Chair Dickey called on Mr. Gilman to brief the members of the Council on House Bill 916 and the 2006 work plan.

Mr. Gilman informed members about the provisions of House Bill 916. Mr. Gilman also briefed Council members on the five categories which reflect the primary objectives of the Council: Health Care Workforce Planning; Purchase of Health Care Products and Services; Health Care Information Technology; Health Care Information Clearinghouse; and Internal Administration. Members discussed the work plan and discussed the provisions of House Bill 916 and the objectives outlined in the work plan.

Ms. Green commented on the work of the State Health Coordinating Council (SHCC) and expressed the importance of ensuring the work of the Council is coordinated with the SHCC to

avoid any duplication of work efforts. Mr. Gilman indicated that he was aware of the work of the SHCC and its role in coordinating health care workforce planning. He further stated that he would work closely with the SHCC to ensure coordination.

Dr. Shine requested that a copy of last legislative session's joint resolution on Graduate Medical Education be provided to the members of the Council. Mr. Gilman agreed that it would be beneficial and to follow-up on that request.

Mr. Chandler noted Section 113.010 of House Bill 916 authorizing the Lieutenant Governor and Speaker to submit health care issues to the Governor for referral to the Council. He asked whether or not the Council would address the health care issues outlined in Section 113.010, including disparities in quality and levels of care; problems for uninsured individuals; the cost of pharmaceuticals; the cost of health care; access to health care; and the quality of health care. Mr. Gilman stated that the Council could look at those issues but the initial work plan was prepared to ensure the Council addressed all of the requirements under House Bill 916. He also stated that the work plan specifically addresses some of the issues included in Section 113.010 and indicated the cost of pharmaceuticals would be addressed under the Council's charge to leverage the purchase of health care products and services.

Chair Dickey asked if the Council could expand its work into the other areas Mr. Chandler asked about. Mr. Gilman stated that the Council could work on the issues that have been referred to the Council by the Governor. At this point, the Governor has asked the Council to focus on the core objectives outlined in the work plan.

Dr. Shine asked if the Council's objective on purchasing of health care products and services was limited to state agencies. Mr. Gilman explained that the Council will be looking at how state agencies and medical schools purchase health care products and services.

Ms. Milligan asked if the Council will address the issues Mr. Chandler raised through the Council's charge to create a health care information clearinghouse. Mr. Gilman agreed with Ms. Milligan and stated that the Council has the discretion to research and identify solutions to health care issues and to present that information through the information clearinghouse.

#### **Briefing on Health Care Information Technology Initiatives (Briefing)**

Chair Dickey called on Mr. Stephen Palmer to brief the Council on health care information technology (HIT) initiatives. Mr. Palmer stated that House Bill 916 directs the Council to facilitate and promote the use of technology in the health care system as a way to decrease administrative costs and to increase and improve the quality of health care. Mr. Palmer updated members on the multiple activities the Council staff have been engaged in relating to the statewide coordination and promotion of HIT, including participating in the work of the Health Information Technology Advisory Committee (HITAC), communicating with key stakeholder groups and federal officials, participating in the Gulf Coast Health IT Task Force, and by submitting a proposal to participate in the Health Information Security and Privacy Collaboration, one of several large federal initiatives designed to promote a national health information exchange capacity.

Ms. Green commented that the Council charge on health care information technology directs the Council to promote health and safety issues and she encouraged staff to be aware of the Texas Patients Safety Alliance.

#### **Briefing on Health Care Information Technology and Purchasing Surveys (Briefing)**

Chair Dickey asked Mr. Palmer to brief the Council members on the HIT and purchasing surveys. Mr. Palmer provided members with a preliminary analysis of the survey responses received from state agencies and public medical schools. Members discussed the collaboration of state agencies and healthcare services for leveraging purposes. Mr. Palmer indicated that the Council could potentially evaluate the possibility of aligning the miscellaneous electronic health record systems in use by different agencies in order to provide continuity of care for individuals interacting with multiple agencies. Mr. Palmer cited the fact that it's fairly common for individuals, over the course of their lives, to interact with the foster care, mental health, substance abuse, and criminal justice systems, all of which maintain separate and incompatible electronic health records.

Mr. Chandler commented that he strongly supports Mr. Palmer's work and that it has tremendous potential to improve healthcare.

Dr. Dickey described how the health care system for state prisoners is administered under contract by UTMB and the Texas Tech Health Science Center and asked whether the separate EMR systems used by the two universities would be interoperable. Mr. Palmer noted that the two systems may be interoperable since UTMB had originally administered the correctional managed care contract for the whole state. Ms. Green inquired about a federal mandate for the creation of RHIOs and whether any initiatives had been undertaken in Texas. Mr. Palmer proposed a "State of Health IT" document to provide information on existing HIT initiatives in the state. Dr. Milligan commented on the Deficit Reduction Act and encouraged applying for a federal grant for state projects through the act.

Rick Danko commented that DSHS is a good example of different populations being served by different programs and that there is some value to not merging everything. He pointed out that sometimes programs overlap but combining them would not necessarily meet the needs of the different population groups.

#### **PUBLIC COMMENT**

There was no public comment.

**Recess into Executive Session Pursuant to Texas Government Code Section 551.074; Personnel Matters; to Consider Hiring a Director as Chief Executive Officer of the Council**  
A motion for the Council to recess was approved by a unanimous voice vote at 10:41 a.m.

Chair Dickey reconvened the open meeting at 11:09 a.m.

#### **Discussion and Possible Action on Executive Session Matters (Action)**

Chair Dickey asked if there was a motion to hire Mr. Gilman to serve as the Executive Officer of the Council. Ms. Green made a motion, which was seconded by Ms. Milligan. The motion to approve Mr. Gilman as Executive Officer of the Council was approved by a record vote:

Ayes: Nancy Dickey (Chair), Ann Fuelberg (Vice Chair) Jennifer Ahrens, Rick Danko, Seth Chandler, Alexia Green, Larry Jones, Ronnie Jung, Michelle Massey, Maureen Milligan, John Monk, Stacey Silverman, and Jon Weizenbaum (13)

Nayes: None (0)

Present, Not Voting: None (0)

Absent: Ken Shine, Dan Perugini (2)

### **INFORMATION ITEMS**

Chair Dickey asked members if they had any questions about the documents included in their briefing books under the Information tab. Chair Dickey asked members to consider the proposed meeting dates and to make Mr. Gilman aware of any scheduling conflicts by e-mail. Dr. Dickey asked members to note that the House and Senate Committee interim charges highlighted in their briefing books. She noted that several of them are similar to the Council's charge and requested Council staff to monitor and work to ensure as little overlap as possible.

Ms. Ahrens announced that her office in the Life Health and Licensing Division will be working on the interim charges and all of the information that they gather will be given to the Council through her.

Discussion occurred on member participation at the first Partnership subcommittee meeting. Mr. Jon Weizenbaum recommended the Department of Aging and Disability Services be included on the Workforce Partnership because of its experience with some of the partnership's issues and participation on the SHCC.

Mr. Chandler stated that the University of Houston's Health Policy Institute is preparing briefs on the Texas Legislature's interim charges and that he would share those briefs with the Council.

### **ADJOURN**

Chair Dickey asked if there was a motion to adjourn. Ms. Milligan motioned to adjourn and it was seconded by Rick Danko. The meeting adjourned at 11:22 a.m.